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CONTINUING APPROPRIATIONS, 1983

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Mr. HATFIELD, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.J. Res. 599]

The Committee on Appropriations, to which was referred the resolution (H.J. Res. 599) making continuing appropriations for the fiscal year 1983, and for other purposes, reports the same to the Senate with various amendments and with the recommendation that the joint resolution be passed.

PURPOSE OF THE CONTINUING RESOLUTION

The continuing resolution is a stop-gap funding measure to maintain the ongoing operations of the Government in the absence of the timely enactment of regular appropriations bills. This measure is not a substitute for a regular appropriations bill. It is designed only as a temporary means of allowing Congress additional time to complete its work on the regular 13 appropriations bills.

The Committee has recommended that the duration of coverage of the joint resolution be changed from December 15, 1982, to December 22, 1982. This necessitates a "lame duck" session of this Congress, but the Committee believes that this time is required if significant progress is to be made in passing each of the regular appropriations bills.

The Committee continues to be concerned over the apparent inability of the Congress to consider and pass appropriations bills on a timely basis. There are many reasons for the increasing delays imposed on the appropriations process. The most significant of these has been the very late adoption of the First Concurrent Budget Resolution for Fiscal Year 1983. Since appropriations measures cannot be considered in the House or the Senate until after that measure is agreed to, the entire appropriations process was held up.

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To compensate for the delays in the appropriations process, this Committee, reluctantly, has had to consider and report original Senate appropriations bills, rather than following the tradition of taking action only on House-passed bills. Despite this effort, none of the 13 regular appropriations bills has yet been enacted into law and, indeed, because of other pressing legislation, no appropriations bill has passed the Senate. While it is hoped that much progress on these measures can be made in the little time remaining before the end of this fiscal year, the Committee had no choice but to include all the bills under the coverage of the continuing resolution.

Interpretation of the Joint Resolution

The basic intent of the resolution is to provide a basic level of funding to maintain existing operations and activities until such time as the regular appropriations bill covering these programs can be enacted into law. For this reason, the resolution employs terms such as "current rate" and "current operating level." It is imperative that these terms not be misinterpreted since precipitous program changes during the duration of the continuing resolution could foreclose or unduly constrict the scope of decisions which Congress has yet to make on the regular appropriations bills.

Various sections of the continuing resolution refer to a "rate for operations of the current rate." In many cases, the total appropriation for fiscal year 1982, including supplementals, will serve as the basis for determining the current rate. However, some programs for which appropriations were made on a multiyear basis in prior years had available in fiscal year 1982 unobligated balances in addition to the amount appropriated. Since the purpose of a continuing resolution is to maintain ongoing programs at current funding levels until the Congress has an opportunity to act on the regular appropriation requests, under the resolution the term "current rate" must be construed so that the amount available for obligation for a program under the resolution will be as much as, but not exceed, the amount available for obligation during fiscal year 1982. To achieve this result with respect to multiyear or no-year appropriations, unobligated balances carried over into fiscal year 1982 from prior years must be added to appropriations for fiscal year 1982 in calculating the current rate. Similiarly, unobligated balances carried over from fiscal year 1982 to fiscal year 1983 must be deducted from the current rate in calculating the amount considered to be appropriated for a program in fiscal year 1983 by this resolution.

The Committee notes that where programs were authorized to begin operations or to expand during fiscal year 1982, it is likely that the cost of operating the program for a full year at the funding level achieved at the end of fiscal year 1982 would exceed the total appropriation for the program in that year. Similarly, where the Congress has required programs to contract during fiscal year 1982, the cost of operating the program for a full year at the reduced funding level in existence at the end of fiscal year 1982 would be less than the total appropriation made for that year. Therefore, the current rate should be construed to main-

tain year-end program funding levels, except where Congress had expressed a contrary intent with respect to specific programs.

The term "current operating levels" is similar to that of "current rate" but is based on program performance rather than on overall funding levels. The principal effect of this difference is felt in programs in which the cost of operations increase or decrease from the previous year. As an example, where the per-participant cost of a feeding program has increased from fiscal year 1982 to fiscal year 1983, that activity, under the "current operating level" formulation, would be maintained for the number of participants previously served. Under the "current rate" formulation, the number of participants would have to be reduced so as to hold costs to that which was available in the previous fiscal year.

In adopting current operating level language, the Committee wishes to make clear that this terminology should not be interpreted to require reduction in ongoing program activity or staffing levels that the Congress has approved for the preceding fiscal year. The Committee also wishes to make clear that current operating levels shall not be interpreted to reduce fiscal 1983 funding because agencies have failed to build up program activity, including staffing, to the levels prescribed by Congress in fiscal 1982.

The Committee is very concerned over the failure of the administration to make timely and appropriate apportionment of funds under the continuing resolution of last year. Specifically those programs which are administered through the States, local units of government, and private contractors are very sensitive to funding disruptions and uncertainty. In the case of the low-income energy assistance program and the special supplemental food program for women, infants, and children, seasonal and end-of-year caseload demand were not taken into consideration by the executive branch. Another program about which the Committee is concerned is the Economic Development Administration. The Committee notes that both the House and Senate Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation bills for fiscal year 1983 recommend $130,000,000 for EDA public works grants. The Committee intends that EDA commit the funds available ($22,000,000) under the terms of this resolution during the period covered by this resolution. This Committee intends to closely monitor the apportionment of funds under this continuing resolution to assure that programs are adequately financed.

The Committee also notes that where the joint resolution refers to the lower of the House or Senate level, except for the special provision for projects and activities under the Military Construction appropriation bill, this comparison is made at the account level and not between component activities of individual accounts. As a consequence, the overall funding level for an individual appropriation account will usually exceed the sum of the lower of what the House and the Senate provided for each component part of that account. The administration is, therefore, directed to consult with the Appropriations Committees of the House and Senate to assure that decisions on funding these component

activities preserve congressional flexibility in making later decisions on the regular appropriations bills, as well as adequately fund the individual activities within the account.

SUMMARY

The recommended continuing resolution provides funding for all 13 regular appropriations bills. The resolution is written in the same basic format as has been the case in recent years.

Section 101(a) provides continuing authority for five appropriations bills: Agriculture; Commerce, Justice, State, and the Judiciary; District of Columbia; Transportation; and Treasury, Postal Service, and General Government.

Under this section, when a bill has only been acted upon by only one House as of October 1, 1982, the rate of operation is the rate in that bill or the current rate, whichever is lower. When there is a House bill and a Senate bill, the rate of operations is the lower of the provision made in the House bill or the Senate bill. If a program is provided for by a bill in only one body, the program is continued at the lower of the current rate or the rate provided by the bill of the one body.

The Labor, Health and Human Services and Education appropriations bill and the Interior appropriations bill are continued at the current operating level, as provided in section 101(b).

The Foreign Operations (sec. 101(d)) and the Energy-Water Development (sec. 101(h)) appropriations bills are maintained at the current rate. The Department of Defense (sec. 101(c)), Legislative Branch (sec. 101(e)), and the Housing and Urban Development (sec. 101(g)) appropriations bills are provided for at the Senate reported levels.

As discussed elsewhere in the report, the Military Construction appropriations bill activities are funded at the lower of the House or Senate action on each project (sec. 101(f)).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

The Committee, in agreeing to the provision in the House-passed resolution for continuing activities under the Department of Labor, Health and Human Services, Education and Related Agencies, based on current operating levels, as defined in this report, intends that such levels reflect all supplementals enacted in fiscal year 1982 (Public Law 97–147; Public Law 97–148; Public Law 97–216; and Public Law 97–257), as well as amounts appropriated in Public Law 97–92, the fiscal year 1982 continuing resolution.

For State Employment Service offices, the terms of this continuing resolution are intended to provide the level of 24,800 staff approved for fiscal year 1982.

Military Construction

The Committee recommends an amendment to section 101(f) to provide continuing authority for programs under the military construction bill as passed by the House on August 19, 1982 and as reported to the Senate on September 22, 1982. The provision allows any program not in direct disagreement between the two bills to be continued at the lesser amount or the more restrictive authority.

Department of Defense

The Committee recommends a revision of section 101(c) to continue the activities of the Department of Defense at the Senate reported bill level.

Department of Housing and Urban Development

The Committee recommends a new section 101(g) to continue projects and activities funded under the Housing and Urban Development-Independent Agencies Appropriations Act, 1983, at the levels established in the bill as reported to the Senate on September 16, 1982 (S. Rept. 97-549).

Energy and Water Development

The Committee recommends that projects and activities which would otherwise be provided for under the Energy-Water Development Appropriations Act, 1983, be continued at the rate for operations existing in fiscal year 1982.

The Committee has included a provision that prohibits the initiation or resumption of any project or activity which was not funded in fiscal year 1982 in order that the Congress may have the opportunity to fully consider new initiatives proposed for 1983.

The joint resolution recommended to the Senate includes language intended to insure that normal operation and maintenance activities of the Corps of Engineers civil works projects continue and are not significantly changed prior to congressional action on the fiscal year 1983 Energy and Water Development appropriations bill.

The Committee has included an additional proviso directing the Department of Energy to make no significant personnel adjustments from the September 30, 1982 staffing levels. Specifically the Committee expects the Department to maintain, to the extent practicable, current employment levels for solar and renewable energy programs and for activities at the national laboratories.

PACIFIC BASIN

The Committee continues to be very interested in the Department's developing a comprehensive approach to its unique Federal responsibility for the Pacific Basin region, based on our treaty obligations. The Committee hopes that such a plan will be developed during this fiscal year and that the Department will report on its recommendations dur-

ing its forthcoming budgetary testimony. The Committee would especially be interested in learning whether the area health education centers program might be an appropriate mechanism.

OFFICE FOR MEDICAL APPLICATIONS OF RESEARCH

During its deliberations on the fiscal year 1982 continuing resolution, the Committee urged the Assistant Secretary of Health to address the many complex issues surrounding the question of appropriate and efficacious delivery and reimbursement of mental health services under medicare/medicaid, as well as private insurance plans. The Committee now understands that the Office of Medical Applications of Research (OMAR) with proper consultation with ADAMHA is the most appropriate body to develop a state of the art consensus paper on this matter. Given the major cost-savings implications involved, the Committee urges OMAR and ADAMHA to give this matter priority during this fiscal year.

NATIONAL INSTITUTES OF HEALTH

In adopting the House language to maintain the current operating level for Labor-HHS-Education, the Committee finds that the effect is to increase funding for the National Institutes of Health by $205,510,000 over the fiscal 1983 budget request for NIH. With the increase provided by the current operating level language, funding for NIH under the continuing resolution totals at least $3,954,281,000. This will allow NIH, among other matters, to fund the same level of new and competing research grants and training slots as in fiscal 1982. Also, the increased funding level will permit NIH to fund indirect costs of research at the full level negotiated with colleges, universities and other research facilities. Sufficient funds are provided to enable the division of research resources to support the same number of general clinical research centers as in fiscal 1982. Of the increased funds provided to the division of research resources, $500,000 shall be provided in fiscal 1983 to provide support to the New Mexico State University chimpanzee colony to improve facilities there to maintain a nucleus of about 60 animals for use in biomedical research and to produce additional animals.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

It is the Committee's intent that under this continuing resolution the amount provided for clinical training programs under the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) shall be at the level appropriated in fiscal 1982.

EDUCATION FOR THE HANDICAPPED

The Committee wishes to emphasize that funds made available in this continuing resolution under the authority of section 625 of the Education of the Handicapped Act for regional postsecondary programs for the deaf will be awarded in fiscal year 1983 on a competitive basis, as proposed by the Department of Education.

It is the Committee's intention that at the level provided by this joint resolution in the four institutions participating in the program will remain the same as the previous year and that at least the same amount of money will be spent on the four awards that are made. The competitive award of these funds will enable all eligible institutions to have an equal opportunity to benefit from this program.

STUDENT FINANCIAL ASSISTANCE

The Committee has been advised of possible discrepancies among some States in the allocation of funds for college work study, national direct student loan and the supplemental education opportunity grant programs. In comparing allocations to States of relatively equal student populations, per capita income and State population, significant discrepancies may exist in the campus-based allocations. Taking into account the differences in total cost of education, discrepancies may still be apparent. Therefore, the Committee directs the Secretary of Education to undertake a comparative study of the allocation formula and the actual dollar allocation in these programs and to report to the Committee his findings and recommendations for correcting any inequities in time for consideration of this matter at the fiscal 1984 Labor-HHS-Education hearings.

PAY CAP FOR FEDERAL BLUE-COLLAR WORKERS

Section 110 as proposed in the House-passed bill would cap the pay of Federal blue-collar workers at 4 percent for next year. The Committee recommends that this provision be deleted.

FOREIGN OPERATIONS

For those activities and programs which would be funded by the Foreign Assistance and Related Programs Appropriations bill for fiscal year 1983, the Committee is recommending a level of funding at the current rate of operation. The Committee is recommending this formula for foreign assistance in order to preserve a number of congressional initiatives which were enacted in fiscal year 1982 and would be lost under the fiscal year 1983 budget request.

The Committee is recommending deletion of the House-passed section 118, a House provision which would mandate continuation of an Agency for International Development contract with Boston University dealing with a regional health delivery project in West Africa. While the Committee makes no judgment with respect to this particular project, it does not believe it is appropriate to mandate continuation of a particular contract in a continuing resolution.

The Committee is recommending new language, section 124, which would allow the administration to redistribute the amounts available under this continuing resolution for the multilateral development banks. Without this language, some of those multilateral development banks would receive funds in excess of negotiated levels, while others would receive far less than is required.

LEGISLATIVE BRANCH

Section 101(e) of the resolution funds the activities provided for in the Legislative Branch Appropriations Act at the rate and under the conditions as provided in S. 2939, the Legislative Branch Appropriations Act, 1983, as reported to the Senate on September 22, 1982.

OTHER GENERAL PROVISIONS

FEDERAL BUREAU OF INVESTIGATION

Section 106. The Supplemental Appropriations Act of 1982, authorized the Director of the Federal Bureau of Investigation to establish and set fees for the processing of fingerprint identification records for noncriminal employment and licensing services. Under the provisions of that act, these fees shall offset the costs of processing requests from these agencies; however, expenditures must be authorized in an annual appropriation act. Therefore, the Committee has recommended in section 106 that not to exceed $13,500,000 from fees collected may be available for salaries and other expenses incurred in providing this service.

SURPLUS FEDERAL LANDS

Section 109. The Committee has included language that provides that surplus Federal lands and properties will not be disposed of until certain procedural requirements are met, including a public review and comment opportunity and a congressional notificaton is made. The purpose of this language, which essentially reaffirms earlier commitments by the administration, is to reassure the public that the surplus lands disposal process will be conducted in a responsible and open manner.

STANDARD LEVEL USER CHARGES

The Committee recommends deletion of the House-passed section 111 which would have limited General Services Administration standard level user charges for space rent to what was charged in fiscal year 1982.

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

The Committee recommends a modification in the House-passed section 112 which would provide a permanent indefinite appropriation for the national defense stockpile transaction fund. The recommended changes maintains the current practices of annual appropriations for this account.

DISTRICT OF COLUMBIA STATEHOOD CONSTITUTIONAL CONVENTION INITIATIVE

The Committee recommends deletion of the House-passed section 114 which establish restrictions on the use of funds for the District of Columbia statehood constitutional convention initiative.

FEDERAL COURTS IMPROVEMENT ACT

Section 114. The Federal Courts Improvement Act of 1982, Public Law 97-164, approved April 21, 1982, created a new Court of Appeals for the Federal Circuit effective October 1, 1982, through a merger of the Court of Claims and the Court of Customs and Patent Appeals. Section 114, provides an appropriation at an annual rate of $4,146,000 for this new court.

SMITHSONIAN INSTITUTION

Section 115. The Committee recommends a proviso to the House language appropriating $36,500,000 for construction activities of the Smithsonian Institution. The language would prohibit obligation of the funds until the total required non-Federal match is on hand.

SMALL BUSINESS DEVELOPMENT CENTER

Section 117. For the Small Business Development Center program, the Committee recommends language which assures that the SBDC program will be continued at least at the fiscal year 1982 level, which is $11,000,000. The House has provided a level of $14,000,000.

LEGAL SERVICES CORPORATION

Section 118. The Committee also adopted a series of amendments designed to restrict certain activities by Legal Services Corporation and its grantees. These amendments are identical to those approved by the Committee last year. These restrictions were adopted to provide more strict and specific guidance in the operation of the Legal Services Corporation and grantee programs.

The first restriction clarifies the ability of the Corporation to expend funds to represent aliens. Currently, the Corporation is prohibited from representing known illegal aliens, a restriction which has proven ineffective in practice. This Committee amendment prohibits the Corporation from expending money to represent any aliens, except those who fall into the specific categories set forth in this section.

Another provision also requires that, in making grants or entering into contracts for legal assistance, the Legal Services Corporation shall insure that any recipient organized primarily for the purpose of providing legal assistance to eligible clients be governed by a body which meets the criteria established in this provision.

The restriction will assure that a local recipient's board of directors reflects the composition of attorneys who practice in the locality served by the recipient. Sixty percent of the members of the boards of directors must be attorneys admitted to practice in the State in which the legal assistance is to be provided, and must be appointed by the governing bodies of the State, county, or municipal bar association whose members represent a majority of the attorneys practicing law in the locality where the recipient is to provide legal assistance.

In determining the majority bar association(s) in the service area, the Corporation could decide that no one local bar association represented

the majority of attorneys in that service area—for example, a multi-county service area—and that several bar associations—one from each county—could collectively appoint members to the local board, State bars would also likely play a role in the appointment process.

The Committee, however, considered and rejected a proposal that would have allowed any bar association representing attorneys practicing in the service area to appoint the board members specified in this amendment.

The Committee recognizes the practical difficulties involved in immediate compliance with this restriction. The Committee urges the Legal Services Corporation to work with bar associations, grantees, and others in the orderly and expeditious implementation of this provision. The Corporation is expected to impose grant conditions, develop regulations or take other appropriate action to assist grantees in meeting this requirement. Local grantees shall expeditiously submit a plan to the Corporation which outlines its proposed efforts to comply with this provision. Submission of the compliance plan should be viewed as a good faith effort by the grantee to comply; failure to submit a plan should not. The Committee further expects the Corporation to carefully monitor the efforts of local grantee organizations to implement their compliance plans, and to report thereon to the Committee.

Furthermore, none of the funds appropriated may be spent by any recipient on lobbying activities. The Committee believes that these activities take away time and attention from the central goal of the Corporation: to assist eligible clients with legal matters on an individual basis. The Committee recognizes that there may be occasions when legal assistance to an eligible client requires representation on behalf of the client before an agency, to resolve a specific claim directly involving the client's legal rights and responsibilities. Accordingly, the Committee has provided an exception to the general restriction to cover these specific instances. The Committee also recognizes that an individual legislator may seek information from a Legal Services employee, and the bill provides that recipients can respond to such requests, provided they are formally made. This ability to respond to formal requests means that the Corporation or its grantees can respond only to the person who made the formal request. It is not an authorization to communicate to other officials, nor does the Committee intend that an elected official can authorize the Corporation to communicate with other elected officials.

Finally, the Committee amendment provides that no funds appropriated under this joint resolution may be used to bring a class action against the Federal Government or any State or local government unless such action is brought in accordance with policies or regulations adopted by the Board of the Corporation. Currently, local agency boards can authorize class action suits; this amendment will require that the Board of Directors of the Corporation itself regulate class action suits against other governmental bodies, through issuance of policies or regulations. This prohibition assures that recipients must conform to Corporation regulations in bringing class actions against the Govern-

ment with these Federal funds. The Committee believes this will guard against the misuse of such actions while permitting their use in appropriate cases and thereby enhance the efficient and productive use of these funds.

DEBTS OF GOVERNMENT EMPLOYEES

The Committee recommends deletion of the House-passed section 124 which would provide for a procedure in which Federal employee pay could be reduced to repay individually determined debts to the Federal Government. The Committee agrees that such debts should be repaid, however, since the procedure of collecting such debts is the subject of pending legislation, this provision is recommended for deletion without prejudice.

U.S. INFORMATION AGENCY

Section 120. The Committee recommendation includes language providing that within the amounts available to the U.S. Information Agency for "Salaries and expenses", $80,886,000 shall be available for Fulbright fellowships and the international visitor program; $3,147,000 shall be available for the Humphrey fellowship program; and $8,630,000 shall be available for the private sector program. The Committee recommendation does not increase the total amount available to USIA; but clarifies the amounts available for these exchange of person activities as provided by the recently enacted State Department Authorization Act, fiscal years 1982 and 1983.

SPECIAL SUPPLEMENTAL FOOD PROGRAM

The Committee recommends a new section numbered 123 which specifies that the funding level for the special supplemental food program for women, infants, and children (WIC) be at the Senate reported level of $1,060,000,000.

FEDERAL-AID HIGHWAY PROGRAM

Section 125. This section provides for the continuation of the Federal-aid highway program existing authorization and funding levels. Subsequent enactment of the authorizing legislation will supersede this provision.

CAB 406 PROGRAM

Section 126. This section terminates the 406 program while providing continuing payments to air carriers.

DOD

Section 127. Absent the conventional method of implementing bonus authorization, the Committee has recommended a provision extending the authorization of military bonuses 6 months beyond the scheduled expiration date of September 30, 1982. Because the enlistment and reenlistment bonus programs have had major positive impact on recruitment and retention, the Committee favors the continuation of the requisite authorization.

TITLE V OLDER AMERICANS ACT

Section 128. The Committee recommends a total amount of $296,500,000 be appropriated for community service employment for older Americans, the full amount authorized. This is an increase of $19,400,000 over the amount appropriated in fiscal year 1982, and will support an estimated 58,000 part-time jobs for unemployed, low-income persons aged 55 and over, compared to 54,200 individuals currently being served. As required by law, this program is forward funded, with fiscal 1983 appropriations provided for the period from July 1, 1983, through June 30, 1984.

Bill language has also been included to maintain the existing split of funds between national contractors and State and local governments at 78 percent and 22 percent respectively.

CDC CHILDHOOD IMMUNIZATION

Section 129. The Committee recommends a total amount of $39,000,000 be appropriated for the childhood immunization program, of which $32,000,000 will support the grants program and $7,000,000 will fund CDC's direct operations, activities which support a national program of disease surveillance, technical assistance to State and local health agencies and applied research to determine the efficiency and appropriate use of vaccines. This level is $4,400,000 more than the fiscal 1982 level, and $10,000,000 more than the fiscal year 1983 budget request.

The Committee is providing the maximum amount allowable under law for grants, and in so doing recognizes the childhood immunization program as one of the most cost-effective disease prevention programs funded by the Federal Government. The funds will enable the continued strong effort on the part of the Federal and State and local governments to immunize 10.8 million children annually.

HEALTH PLANNING

Section 130. The Committee has included a new provision funding the health planning program for the duration of the continuing resolution and to set aside a provision of law which would unjustly penalize States for not meeting certain criteria under the statute.

The total amount appropriated for fiscal year 1983 will be $64,432,000 on an annualized basis, the same as the fiscal year 1982 level. There was concern that the current level for this program would not be maintained by the general language contained in the continuing resolution and that no funding would be provided during 1983 unless specific lan-

guage is added. In addition, this action is taken to insure that the program continues while the authorizing committees, in both the Senate and House, continue their work on legislation dealing with the health planning program.

Bill language is also included in order to permit State health planning agencies to continue to receive Federal funding through the life of the continuing resolution while they attempt to comply with the various requirements of the law which were changed by reconciliation. Under present law, the agencies would be cut off beginning in December 1982 if they were considered not to be in compliance. Worse still, their States would face the loss of 25 percent of all of the funds they are due from the Public Health Service. Thus, in addition to maintaining the flow of health planning funds to State agencies, the amendment puts off the 25-percent penalty for the duration of this resolution. The Committee intends to include identical language in the fiscal 1983 Labor-HHS appropriations bill or, if necessary, in any extension of the continuing resolution.

The Committee hopes the authorizing committees will do their part in resolving these problems so that worthy health planning programs can be continued.

FAMILY MEDICINE

Section 131. The Committee has provided a total amount of $34,000,000 for family medicine residencies in fiscal 1983. The fiscal 1982 appropriation for family medicine was $26,800,000. Thus, this recommendation provides $7,200,000 more for the program than in fiscal 1982.

This program provides grants and contracts to hospitals and medical schools to support residencies in family medicine. The program also provides financial assistance to medical students who plan to practice family medicine and assistance for grants to medical schools to strengthen their teaching of family medicine.

The Committee believes that particular attention should be paid to the need for medical residency training programs in primary care specialties. This program also gives special funding preference to family medicine programs which provide training opportunities in health personnel shortage areas.

The Committee strongly believes that there is a great need for the services of the typical general practitioner in small towns and in rural and underserved areas. According to the Institute of Medicine of the National Academy of Sciences, 90 percent of health problems can be handled by primary care practitioners, of which family doctors are a part.

MEDICARE CONTRACTORS

Section 132. The Committee recommends a provision which provides that the medicare contractor program shall operate at a total program level of $829,000,000 in fiscal year 1983, including $45,000,000 appropriated by section 118 of the Tax Equity and Fiscal Responsibility Act of 1982. Within this total program level, a minimum of $45,000,000 should be devoted to audit and medical review.

The 1983 program level represents an increase of $118,000,000 over the 1982 level. The increase will provide for costs associated with a higher volume of workload and inflation in basic operating costs and allow for productivity investments that will yield future savings in claims processing operations.

SOCIAL SECURITY CLAIMS

Section 133. On July 27, 1982, the U.S. Court of Appeals for the District of Columbia Circuit, in *Connecticut* v. *Schweiker*, decided that the United States remained liable for the payment of $382,000,000 in claims asserted by the States and arising from their participation in the AFDC, medicaid, social services, and related or predecessor programs through which the States received Federal financial assistance from the Department of Health and Human Services (HHS) under various titles of the Social Security Act. Many of these claims, although presented for the first time in 1980 and 1981, are extremely old, in one case going back nearly 30 years to expenditures incurred in fiscal year 1954. HHS had refused to process them on the ground that they had not been filed within time limits established by the 1981 appropriation laws.

The Committee is advised that the court in its ruling gave inadequate weight to effect on these claims of language that appears in identical form in both the House and Senate versions of the Labor-HHS-Education appropriation bill, H.R. 4560, as incorporated by reference into the last continuing resolution for fiscal year 1982, Public Law 97–92. That language reads:

> Sec. [208] *207.* Notwithstanding section 306 of Public Law 96–272 or section 1132 of the Social Security Act, no payment shall be made from this or any other appropriation to reimburse State or local expenditures made prior to October 1, 1978, under title I, IV, X, XIV, XVI, XIX, or XX of the Social Security Act unless a request for reimbursement had been officially transmitted to the Federal Government by the State within 1 year after the fiscal year in which the expenditure occurred.

The Committee recommends this section of the bill to clarify the congressional intent, as expressed in the quoted language, that the claims in question are to be paid only if they had been formally filed with HHS within 1 year after the fiscal year in which the expenditure occurred. If a claim does not meet this criterion, it is to be permanently extinguished.

RUNAWAY AND HOMELESS YOUTH

Section 134. The Committee has included a new section to increase the appropriation from $10,514,000 to a total amount of $18,000,000 in fiscal 1983 for the Runaway and Homeless Youth Act. The new funds will be used to fund about 25 new programs in unserved communities and to strengthen many of the 166 existing grantees. No funds will be spent on national training and technical assistance, rather such services shall be provided on a State-by-State basis. Networking grants shall be on a State-by-State basis. These services shall be equally available to all runaway serving agencies regardless of their status as RHYA grantees.

No funds will be spent for interstate travel by RHYA grantee staff except to assist runaways and their families directly. Demonstrations for reuniting and strengthening families, including those headed by a single parent, promoting independent living for 17-year-olds who cannot return home, combating juvenile prostitution and developing detached youth work to reach runaway youth initially unwilling to go to a runaway center shall be funded. The Department of Health and Human Services shall continue to support the national runaway switchboard including the agency information service.

COMMUNITY SERVICES BLOCK GRANT

Section 135. The Committee has a provision which continues the requirement in current law that no more than 10 percent of the funds appropriated and allotted to States under section 674 of the Community Services Block Grant Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of the act or to seasonal and migrant farmworker organizations or to designated limited purpose agencies which meet the requirements of section 673(1) of the act. This provision is intended to clearly indicate the purpose for which the funds may be used. The Committee expects the Secretary to implement and enforce this provision through the certifications and assurances required by the Community Services Block Grant Act. It is the intent of the Committee that the current pass-through of funds to States to existing community action agencies be maintained in 1983. However, the Committee anticipates States will be fully capable of assuming complete responsibility according to the terms and conditions of the community services block grant legislation.

ECONOMIC OPPORTUNITY ACT ACTIVITIES

Section 136. The Committee has includes a new section to cover costs of the Office of Community Services in the Department of Health and Human Services. In the Department's continuing efforts to close out Economic Opportunity Act activities, such costs include: those incurred as a result of final settlements of a Merit Systems Protection Board suit brought by former Community Services Administration employees; transition costs incurred from transferring the OCS Inspector General staff to the Office of the Inspector General; and severance and accrued leave costs for OCS employees to be paid once close-out activities are complete. It is estimated that total costs will not exceed $10,000,000. In including this section, the Committee does not intend its action to be construed as a reappropriation of funds, but is extending the availability of fiscal 1982 appropriated, but unobligated, funds for the above purposes through September 30, 1983.

IMPACT AID

Section 137. The Committee has recommended, as it did in the first fiscal year 1982 continuing resolution, language that eliminates the requirement for making preliminary impact aid payments from funds appropriated in this joint resolution. This provision will allow preliminary

payments to school districts only in cases where a delay in payment would cause undue hardship.

This provision will allow the Congress the option of making changes in impact aid funding in a regular fiscal year 1983 appropriations act, but will still provide continued payments to very needy districts. The Committee expects the Department of Education to apply the same criteria for hardship as were used during fiscal year 1982, when a similar provision was implemented.

VOCATIONAL EDUCATION

Section 138. The Committee directs the Department to give attention to the problem of training and retraining youth and adults in this time of high unemployment. While many factors contribute to unemployment, it is known that training assists displaced workers and disadvantaged youth and adults to make the transition to a new job or to gain initial employment.

The Committee notes that skilled worker shortages are alarmingly high and many industries report a growing need for advanced level workers. Technological innovations are making worker skills obsolete and creating a need for training and retraining of displaced workers needed to build, operate, and maintain sophisticated new machinery in defense and other highly technological industries.

While the States' vocational education agencies and institutions conduct training under collaborative agreements with private sector employers, the need for training is greater than current funding will allow. A recent 20-State survey shows that approximately 300,000 people wish to but are not able to enroll in vocational training. The Committee recommends an additional $50,000,000 for basic State grants to assist vocational reduction agencies and institutions to train and retrain youth and adults and place them in jobs available in the private sector.

Although the Federal contribution accounts for only a small portion of total expenditures for vocational and adult education at all levels, it can have major impact in supporting program improvement and attention to economic development and skilled work force training.

GEN. DANIEL "CHAPPIE" JAMES MEMORIAL

Section 139. The Committee recommends a total amount of $9,000,000 be appropriated, the same as the fiscal 1983 budget request, to establish an aerospace science and health education center in honor of Gen. Daniel "Chappie" James, the first and only black four-star general in the U.S. Air Force. It is believed that the center will increase the enrollment of black aerospace engineers from the present 3 to 16 percent. Graduates of such a program would be valuable resources for the Nation's military needs, the aerospace industry, and research and development laboratories. The center will be located at Tuskegee Institute.

NURSING RESEARCH

Section 140. The Committee recommends a total fiscal year 1983 appropriation of $5,000,000 for the nursing research program of the Health Resources and Services Administration. This is an increase of $1,600,000 above the fiscal 1982 appropriation, but the same as provided in fiscal years 1980 and 1981. This program is extremely important to our Nation's schools of nursing. The Committee believes that priority should be given to proposals which address the needs of the elderly, cost-effective procedures, and minorities.

COAST GUARD

Section 141. The resolution includes language also contained in the Coast Guard authorization bills, (S. 2252 and H.R. 5617) currently awaiting conference action. Inclusion in the continuing resolution is necessary if an authorization is not enacted by October 1, because, beginning October 1, 1982, the Coast Guard is scheduled to assume health care budgetary responsibility for its active duty military personnel, funding and authority for which has been a responsibility of the Public Health Service through 1982. This language is needed to allow for the orderly transition of this responsibility and is consistent with a switch in funding from PHS to Coast Guard included in the President's budget.

FEDERAL TRADE COMMISSION

Section 142. The Committee has included a provision which prohibits the Federal Trade Commission from the regulation of professionals where State law now regulates State-licensed professionals.

U.S. TRAVEL AND TOURISM ADMINISTRATION

Section 143. The Committee recommends language providing that funds for the U.S. Travel and Tourism Administration shall be available at an annual rate of $7,600,000 and that the number of offices in foreign countries and employees in those offices shall not be less than the number in fiscal year 1982. The amendment further provides that the obligations for USTTA's foreign offices shall be the same as in fiscal year 1982.

CREDIT CONTROL

Section 144. The Committee recommends a general provision requiring that Department and agencies make loan commitments up to the amounts provided in appropriation acts—in accordance with the availability of qualified applicants. A similar provision was included in the fiscal year 1982 continuing resolution (Public Law 97–92) as section 136. This provision assures that loan guarantee levels provided in appropriations acts are not arbitrarily restricted by administrative actions.

NURSING HOME INSPECTIONS

Section. 145. The Committee has included a provision to prohibit nursing home survey and certification regulations proposed by the Department of Health and Human Services from taking effect in final form until an additional 120 days have expired.

Because the proposed regulations have been the subject of considerable controversy, the Committee expects that the additional time will allow adequate public review and congressional oversight of any revised proposals which may be made by the Department.

It is not the Committee's intent to preclude the Department from making any changes in nursing home survey and certification procedures. The Committee believes, for instance, that there is a need to put more emphasis on quality patient care and less on paperwork.

CADASTRAL SURVEY

Section 146. The Committee has includes a provision to allow the Forest Service to accelerate cadastral survey work on national forests created from the public domain. The backlog of survey requirements has a direct, negative impact on forest management activities. Revenue generating programs, such as timber sales, are restricted without boundary lines in place, resulting in diminshed receipts to the general fund.

URBAN MASS TRANSPORTATION ADMINISTRATION ALLOCATION FORMULAS

Section 147. The Committee has added language to require the Urban Mass Transportation Administration to use 1980 decennial census data in the allocation formulas for the agency's various transit assistance program. The Committee believes it is no longer justified to use 1970 decennial census data for this purpose as the 1970 data is more than 12 years old and the 1980 data are now available.

LANDSAT

Section 148. The Committee recommendation includes language making $13,555,000 above the rate provided by section 101(a) available to the National Oceanic and Atmospheric Administration to operate the civilian land remote sensing satellite (Landsat). This brings the total available to NOAA for carrying out the Landsat program to $14,955,000. The Landsat system was previously funded by NASA as a research effort. However, in fiscal year 1983, NOAA will assume responsibility for the operational Landsat program. Funds must be available to NOAA on October 1, 1982 for NOAA to award a contract for operations and maintenance, and to continue support for the Department of the Interios' Eros Data Center for production of Landsat products. Without these funds, NOAA will not be able to support the system for operating satellites already in orbit.

PEACEKEEPING ACTIVITIES

Section 149. The Committee recommendation includes language to permit up to $50,000,000 of the funds appropriated to the Department of State for contributions for international peacekeeping activities to be used for U.S. contributions for a peacekeeping force in Namibia.

The President has requested that these funds be available in the event that a settlement of the conflict in southern Africa is concluded during the recess of the Congress.

During the period of this continuing resolution an agreement may be achieved concerning implementation of a U.N. plan for the independence of Namibia. If this should occur, funds will be urgently required for contributions by the United States to the U.N. transition assistance group (UNTAG), which will play a vital role in Namibia's transition to independence. The scope of this U.N. peacekeeping effort is expected to include the deployment in southern Africa of both military personnel, from countries other than the United States, and civilian election monitors and the return of Namibians from neighboring states.

This section allows the executive branch to use up to $50,000,000 of the funds appropriated to the Department of State for purposes of contributions for international peacekeeping activities for payment of the U.S. assessed share of UNTAG's costs during the period covered by the continuing resolution.

However, no funds may be obligated for UNTAG unless the President determines and reports to Congress that adequate agreement has been achieved among the parties concerning implementation of U.N. Security Council Resolution 435 for Namibian independence. The Committee believes that adequate agreement among the parties for this purpose would consist of final agreement on all essential aspects of implementation and willingness in principle to proceed with implementation. The Committee also directs that if it becomes necessary to draw on these funds, that a full and complete accounting will be provided the Appropriations Committees of the House and the Senate. In addition, the Committee anticipates that a budget amendment for the full amount of the U.S. commitment will be submitted to the Congress by the President.

NATIONAL SECURITY COUNCIL

Section 150. The President's intelligence boards were estalbished by Executive order during 1982. Since initial funding was provided by reimbursements from other agencies rather than appropriations, language is necessary to permit continued operations of these boards.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Section 151. The Committee has included a provision transferring $5,200,000 of program funds appropriated in fiscal year 1982 to the challenge grant program. These funds had been proposed for reprograming to support a new initiative for research libraries. While the Committee feels that increased support of these institutions is worthwhile, program funds are not the proper vehicle to provide general

institutional support. The funds have, therefore, been transferred to the challenge grant program which is designed to provide institutional support.

FAA—AIR TRAFFIC CONTROLLERS

Section 152. On June 22, 1981, after lengthy negotiations between the Department of Transportation/Federal Aviation Administration and the Professional Air Traffic Controllers Organizations (PATCO), a tentative agreement was reached between the parties. Included in the agreement was the administration's commitment to propose legislation to the Congress to increase controller benefits.

Following the rejection of the agreement, members of PATCO illegally went on strike against the Federal Government on August 3, 1981, resulting in the termination of approximately 11,400 controllers who did not return to work within the grace period established by President Reagan.

Since the strike on August 3, the air traffic system has been operating at a significantly greater level than expected. In fact, data show that the system is now operating at about 90 percent of the prestrike level for commercial air traffic. The operation of the air traffic system clearly reflects both the substantial preparations undertaken by the FAA before the strike, and the dedication of the controllers and staff personnel who remained on their jobs.

After the strike, the Department of Transportation/Federal Aviation Administration made a commitment to the working air traffic controllers that they would not be unfairly treated for honoring their oaths of office and keeping the air traffic control system operating safely and efficiently. This legislation would fulfill that commitment by providing an average annual pay increase of 6.6 percent to the working air traffic controllers which is equal to the amount supported by the administration in the tentative agreement of June 1981. In addition to compensating controllers and other designated FAA employees for the responsibilities they assume in operating and maintaining the air traffic system, the bill also provides the FAA with tools to use in the rebuilding of the air traffic control system. Progress in rebuilding the system has been good, as reflected by the current high levels of operations being conducted safely. Moreover, as of August 31, 1982, 2,664 new controllers had graduated from the FAA Academy and been assigned to field facilities for operational training, and nearly 1,300 individuals with prior air traffic control related experience had been hired and assigned directly to field facilities. The Committee is anxious not only to provide the FAA with necessary capabilities to promote system rebuilding and to restore the air traffic system to full capacity as soon as practicable, but to provide working controllers and other select personnel with the overdue recognition they have so richly deserved for their outstanding performance in behalf of the traveling public. The Committee believes this legislation will fulfill both objectives. Significantly, this legislation

has passed the Senate on two prior occasions. It was previously passed as part of H.J. Res. 357 on November 22, 1981, and more recently, on May 27, 1982, as S. 1912.

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